



PLANNING COMMISSION AGENDA REPORT

VI.5

MEETING DATE: JANUARY 14, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-46
1893 PARKVIEW CIRCLE

DATE: JANUARY 3, 2008

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754.5136

DESCRIPTION

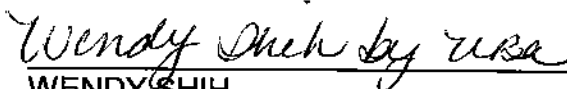
Variance from rear yard setback requirements and a minor conditional use permit from bluff crest setback requirements (10 feet required for both; 0-foot proposed) to allow the construction of a 12-foot high gazebo behind an existing single-family residence.

APPLICANT

Tom and Eleanor Egan are the property owners and applicants.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Asst. Development Services Director

PROJECT DESCRIPTION

The subject property is located one lot south of West 19th Street along the western City limit and overlooks the Banning Ranch and Santa Ana River areas. The property is zoned R1 (Single-Family Residential) with a General Plan designation of Low Density Residential. The property owners propose to construct an approximately 12-foot high, 8-foot by 8-foot gazebo behind the existing single-family residence, overhanging the bluff crest and along the rear property line at a 0-foot setback. A variance is required for encroachment into the required 10-foot rear setback and a minor conditional use permit is also necessary because the gazebo will be placed over the bluff crest (10 feet setback from bluff crest required).

ANALYSIS**VARIANCE**

It is staff's opinion that special circumstances applicable to the property exist to justify approval of the variance from the rear setback requirement. Specifically, the lot is irregularly shaped with a 9-foot to 18-foot deep rear yard area that is flat. The rear yard also contains a lily pond, spa, and deck, which limit where new construction can occur. The gazebo, which will be set back approximately 5 feet from the northerly property line, should not impede views of the adjoining residential property to the north. The angle of the house causes the windows to be directed away from the gazebo. Additionally, the adjacent property is 9 feet lower than the site so only 3 feet of the 12-foot high gazebo will be visible. The reduced setback abuts the undeveloped Banning Ranch to the west. The relatively small gazebo structure will also be constructed of natural cedar which will be compatible with the surrounding vegetation, further minimizing any visual impacts.

MINOR CONDITIONAL USE PERMIT

The Zoning Code allows a structure to be constructed closer than 10 feet from a bluff crest with the approval of a minor conditional use permit, provided that the structure will not endanger stability of the slope, interfere with access for fire protection, or detract from the visual identity and integrity of the bluffs. The owner will be required to submit the necessary documentation to ensure protection of the integrity of the bluff slope and the relatively small size of the gazebo should not interfere with access for fire protection. As discussed under the Variance section above, the gazebo, due to its relatively small size, materials, and placement, should not detract from the visual identity and integrity of the bluffs.

GENERAL PLAN CONFORMITY

The proposal is consistent with General Plan Land Use Objective LU-2A.13 in that the recorded documentation will be required to be submitted as part of the construction process to ensure the integrity of the existing slope is protected.

ALTERNATIVES

1. If the application is approved, it would allow the construction of the gazebo as proposed.
2. If the application is denied, the gazebo could not be constructed as proposed. The applicant could not submit substantially the same request for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction of Small Structures.

CONCLUSION

It is staff's opinion that the requested rear setback variance can be justified due to the unusual lot shape and topography. Visual impacts on the closest, adjoining neighbor should be minimal because the windows are oriented away from the proposed gazebo location and the adjacent property is approximately 9 feet lower than the site. Additionally, the property abuts undeveloped land so there would be no view impacts with the reduced setback for a gazebo. Consequently, approval of the variance should not negatively impact surrounding properties or constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity. The gazebo will not endanger stability of the slope, interfere with access for fire protection, or detract from the visual identity and integrity of the bluffs.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning/Location Map
 Plans

cc: Deputy City Mgr.-Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Tom and Eleanor Egan
 1893 Parkview Circle
 Costa Mesa, CA 92627

File: 011408PA0746	Date: 123107	Time: 1:00 p.m.
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RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-46**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by property owners Tom and Eleanor Egan, with respect to the real property located at 1893 Parkview Circle, requesting approval of a variance from rear yard setback requirement and a minor conditional use permit for encroachment into bluff crest setback requirement (10 feet required for both; 0 feet proposed) for a 12-foot high gazebo behind an existing single-family residence, in the R1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 14, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-07-46 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-46 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 14th day of January 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 14, 2008, by the following votes:

- AYES: COMMISSIONERS
- NOES: COMMISSIONERS
- ABSENT: COMMISSIONERS
- ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
 - c. The proposal is consistent with General Plan Land Use Objective LU-2A.13 in that conditions are included to ensure the integrity of the existing slope is protected. The natural topography will be protected because there will be no cutting or filling in the sloped portion of the rear yard.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
 - e. The cumulative effects of all planning applications have been considered.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the variance from rear setback requirement due to its unusual lot shape and topography. The rear yard also contains a lily pond, spa, and deck, which limit where new construction can occur. Additionally, the property abuts undeveloped land so there would be no view impacts with the reduced setback for a gazebo and the adjoining, closest residential property is oriented away from, and is substantially lower than, the proposed gazebo. The deviation granted does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- C. The minor conditional use permit for a gazebo to project beyond the bluff crest substantially comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed gazebo will not visually detract from the identity and integrity of the slope because it is relatively small and the proposed design and materials will be compatible with the natural surroundings. The gazebo will not endanger stability of the slope or interfere with access for fire protection. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction of Small Structures.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 2. The conditions of approval and Code requirements of Planning Application PA-07-46 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 3. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the Building final. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 4. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 5. The gazebo shall be constructed of cedar that is allowed to weather naturally or, if stained and painted, to be in a grey color compatible with a weathered cedar.
 6. The gazebo shall not exceed the 8 foot by 8 foot, 12-foot high size proposed by the property owners as a part of this application.

Tom and Eleanor Egan
1893 Parkview Circle
Costa Mesa, CA 92627
(949) 642-2841

DESCRIPTION OF GAZEBO PROJECT
November 16, 2007

We propose to erect a small (8-foot diameter, side-to-side) gazebo in a corner of our rear yard. It will have glass windows on the windward side and will serve as a shelter from the prevailing wind. It will be made of natural cedar that will weather to a soft grey, blending in with the surrounding vegetation.

Since the proposed location is on a natural slope, supporting concrete piers will be sunk into the slope. The structure is small and relatively lightweight and will not affect the stability of the slope. There will be no cutting or filling. A variance is requested because the gazebo will be next to the rear property line and on the slope behind the house.

UNIQUE CIRCUMSTANCES JUSTIFYING VARIANCE

1. The property is situated atop the bluffs overlooking the Santa Ana River valley, at the city's western limit. The rear yard faces west. The brisk wind (10-20 mph) that blows from the ocean most of the time makes the rear yard difficult to use for leisure activities. The gazebo is needed to provide a small shelter from the wind.
2. The lot is on a cul-de-sac and is very irregularly shaped. The house is built into the side of a hill, with the first floor and the rear yard one story above the street.
3. The rear yard is narrow and irregular. Its east-west dimension varies from a minimum of 18 feet to a maximum of 27 feet, including the approximately 9-foot portion that slopes down, away from the house. The slope (1 foot in 4) consumes a large part (40%) of the rear yard area. This leaves a flat area with east-west dimensions of 9 feet minimum and 18 feet maximum, making it difficult to use.
4. Locating the gazebo on the level part of the rear yard is not an option, because the property was developed with a spa in the narrow part of the yard and a pond in the widest part, while putting the gazebo between the two would take up all the remaining flat portion of the yard and would also block the view from the picture window in the living room.
5. The abutting property to the west is an undeveloped area owned by the Newport Oil Company. There are no neighbors behind us.
6. The abutting property to the north (nearest the proposed gazebo) is level with the street, one story below our rear yard. Its yard has no view of the river valley or the ocean; so the gazebo would not interfere with any existing view and would be partly hidden by shrubbery. The proposed location is as far to the rear as possible from the neighboring house, and the gazebo will not create any new views from our yard into that house or yard.
7. The proposed location is the most secluded spot on the property, and the material will be natural cedar that will blend into the surrounding vegetation.

City of Costa Mesa

1893 PARKVIEW CIRCLE - [Created: 12/27/2007 10:54:33 AM] [Scale: 42.87] [Page: 8.5 x 11 / Landscape]

Overview Map



Map Display



Legend

Address Range	Primary
Address Points	SECONDARY
Freeway	Waterway Lines
Roads	Hydrology
Collector	City
Freeway	Channels
Major	Street Names
Newport BLVD (cont)	

City of Costa Mesa

CITY OF COSTA MESA - [Created: 12/31/2007 11:20:05 AM] [Scale: 51.47] [Page: 8.5 x 11 / Landscape]

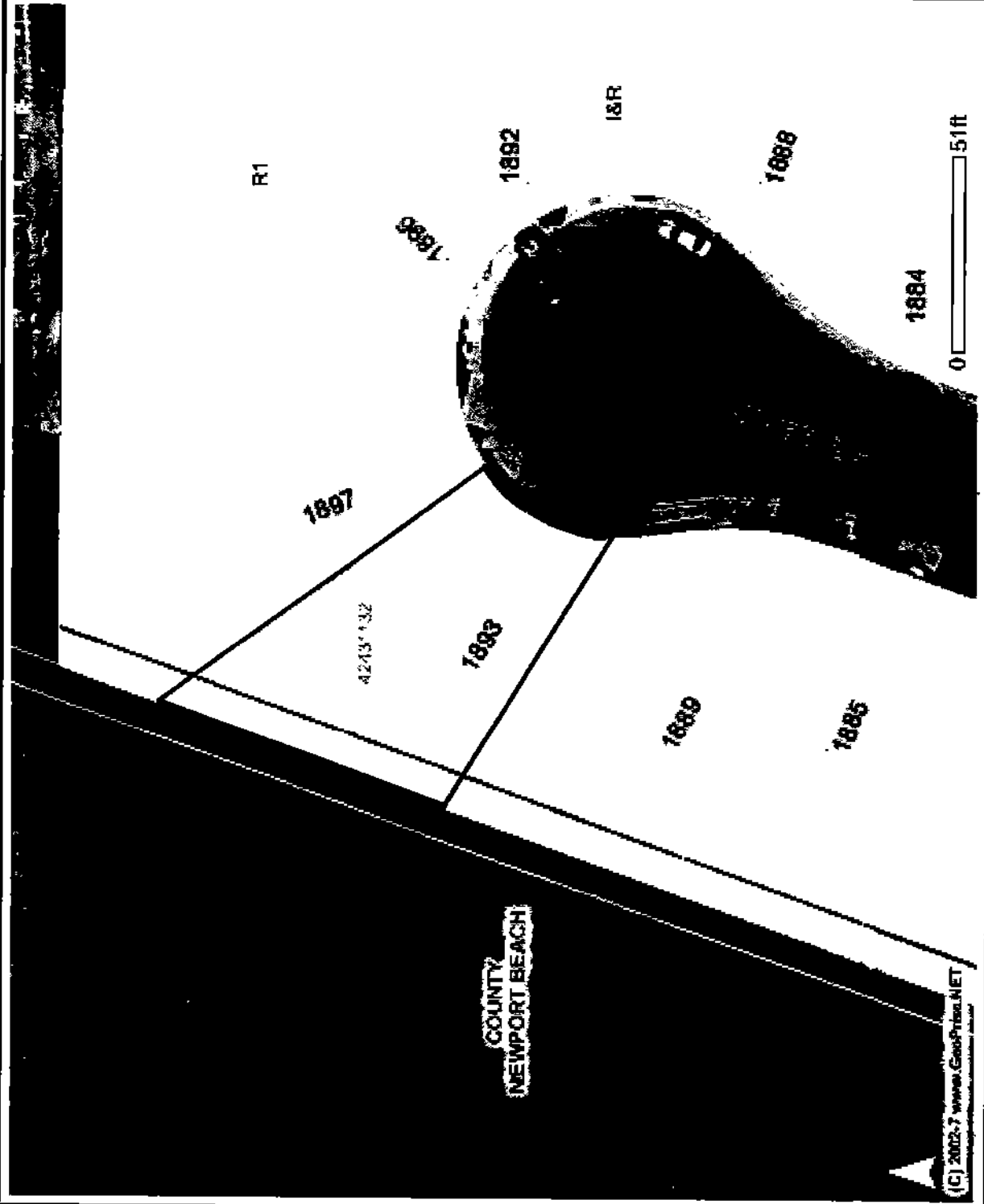
Overview Map



Legend

Address Range	Primary SECONDARY
Address Points	Waterway Lines
Freeway	Hydrolo- gy
Roads	Channel- s
Collector Freeway	Major
Newport BLVD	Street Names
(cont)	

Map Display



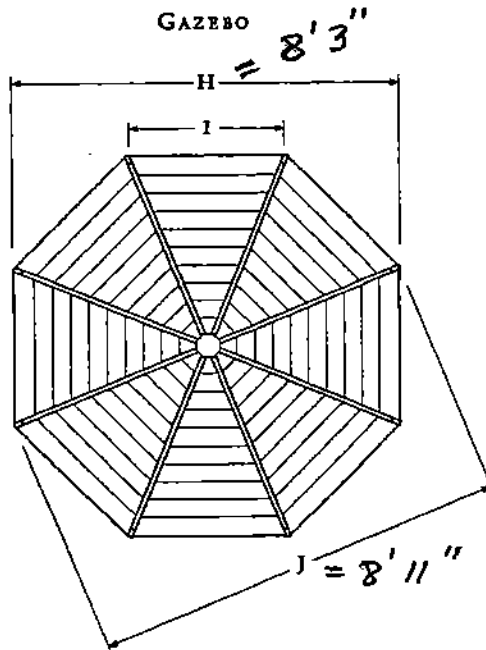
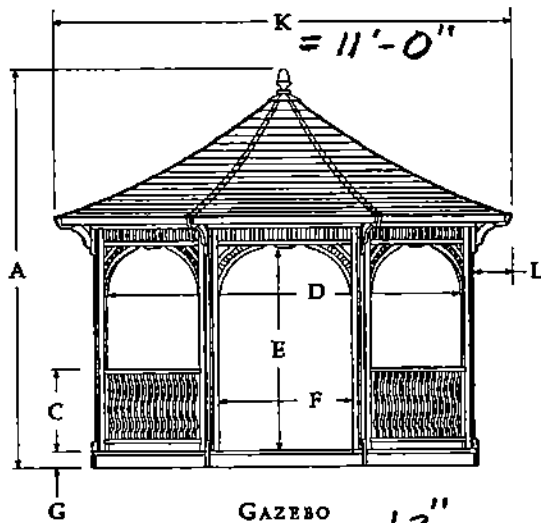
WILLIAMSBURG

ESTATE SERIES

EGAN, TOM & ELEANOR
GAZEBO PROJECT

1893 PARKVIEW CIRCLE
NOV. 2007

(949) 642-2841



	9'
A	152"
B	N.A.
C	36"
D	90"
E	80"
F	32"
G	6.5"
H	99"
I	40"
J	107"
K	132"
L	17"

FENCE LINE
IS 2 1/2 FT BELOW POND

NEWPORT OIL CO. →

NOTE:
⊙ = EXISTING
TREES

REAR (WEST) PROPERTY LINE
PRE-EXISTING
DECK
(LEVEL WITH YARD)

SLOPE
1" IN 4'
SLOPE BEGINS

LILY POND

BENCH
SPA

SLIDING DOOR
Picture Window
PUMPS, FILTERS

1893 PARKVIEW CIRCLE

1889 PARKVIEW CIR.
S. PROPERTY LINE

N. PROPERTY LINE

SCALE 1" = 1'

TOPOGRAPHY: BACKYARD OF 1897
IS ABOUT 9 FT LOWER THAN
1893.

1897 PARKVIEW CIRCLE
SECOND-
STORY
WINDOWS

TOM & ELEANOR EGAN
1893 PARKVIEW CIRCLE
(949) 642-2841
GAZEBO PROJECT
NOVEMBER 2007

